

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Willie E. Hatch, :
Petitioner, : Civil Action No.: 15-2514 (RMB)
v. :
: **MEMORANDUM AND ORDER**
Superior Court :
of New Jersey et al., :
Respondents. :
:

This matter comes before the Court on Petitioner's submission, on March 31, 2015, of a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging his New Jersey state court conviction. (Pet., ECF No. 1.) Petitioner failed to pay the \$5.00 filing fee for a habeas petition, pursuant to 28 U.S.C. § 1914 or to alternatively submit a completed form "AFFIDAVIT OF POVERTY and CERTIFICATION: (HABEAS CORPUS)" [DNJ- Pro Se-007-B-(Rev. 09/09)], pursuant to 28 U.S.C. § 1915.¹

¹ Petitioner submitted a copy of his inmate trust account statement for the period November 1, 2013 through April 30, 2014. (ECF No. 1-1.) The submission does not comply with Local Rule of Civil Procedure 81.2(b) because Petitioner did not submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification. Petitioner also failed to submit a signed affidavit setting forth information which establishes that he is unable to pay the fees and costs of the proceedings.

Petitioner's state court judgment became final on June 28, 2013, when the denial of his petition for post-conviction relief became final,² causing the statute of limitations for a proceeding under 28 U.S.C. § 2254 to begin running on June 29, 2013. Thus, the one-year statute of limitations³ for a proceeding under 28 U.S.C. § 2254 expired on June 29, 2014.

IT IS therefore on this 11th day of May 2015,

ORDERED that the Clerk of the Court shall administratively terminate this case because Petitioner has failed to pay the filing fee or submit a properly completed form "AFFIDAVIT OF POVERTY and CERTIFICATION: (HABEAS CORPUS)" and because the statute of limitations for bringing a petition under 28 U.S.C. § 2254 has expired; and it is further

ORDERED that if Petitioner wishes to reopen this action, he shall, within 30 days from the date of this Order, submit the \$5.00 filing fee or a properly completed form "AFFIDAVIT OF POVERTY and CERTIFICATION: (HABEAS CORPUS)," together with Petitioner's written statement asserting any basis upon which the statute of limitations may properly be tolled or any facts establishing that the statute of limitations did not expire on or before June 29, 2014, and it is further

² See State v. W.H., 2012 WL 6698694 (N.J. Super. App. Div. Dec. 27, 2012) cert. denied, State v. W.H., 214 N.J. 118 (June 28, 2013).

³ See 28 U.S.C. § 2244(d).

ORDERED that the Clerk of Court shall serve a copy of this Order upon Petitioner, together with a blank form "AFFIDAVIT OF POVERTY and CERTIFICATION: (HABEAS CORPUS)" [DNJ-Pro Se-007-B- (Rev. 09/09)] by regular U.S. mail, and close this case accordingly.

s/Renée Marie Bumb
Renée Marie Bumb
United States District Judge